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06 NOV -1 AM 8:47

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY

PM

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LESLIE N. DAVIS,

Petitioner,

vs.

BILL LOCKYER, Attorney General for the
State of California; U.S. ATTORNEY
GENERAL; U.S. DEPARTMENT OF
HOMELAND SECURITY, et al.,

Respondent.

Civil No. 06-2251 LAB (POR)

**ORDER DISMISSING CASE WITHOUT
PREJUDICE**

Petitioner, a detainee in the custody of the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, but has not paid the \$5.00 filing fee and has not moved to proceed in forma pauperis.¹

A Petition for Writ of Habeas Corpus must either be accompanied by a \$5.00 filing fee or an application to proceed in forma pauperis. See Local Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this action he must submit a copy of this Order with the requisite \$5.00 fee or adequate proof he cannot pay the fee **no later than December 30, 2006.**

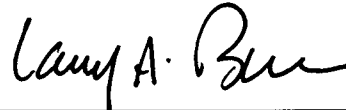
¹ The Court construes Petitioner's Motion for Appointment of Counsel as a petition for writ of habeas corpus.

1 For Petitioner's convenience, the Clerk of Court shall attach a blank request to
2 proceed in forma pauperis to this Order.

3
4 IT IS SO ORDERED.

5 DATED: _____

10/29/06



6 Larry A. Burns

7 United States District Judge
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